

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

HOWARD DEAN BAILEY,

Petitioner,

v.

No. CV 12-0557 RB/LAM

JAMES FROWNER [sic], WARDEN OTERO
COUNTY PROCESSING CENTER,
JOHN MORTON, DIRECTOR OF
IMMIGRATION AND CUSTOMS ENFORCEMENT,

Respondents.

ORDER

THIS MATTER is before the Court, *sua sponte* under Rules 1(b) and 4 of the Rules Governing Section 2254 Cases, on Petitioner's *Petition For a Writ Of Habeas Corpus Under 28 U.S.C. § 2241 (Doc. 1)*. Pursuant to *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004), the Court will direct that Ray Terry, Warden, who is Petitioner's custodian, be substituted as the sole named Respondent in this matter.

IT IS THEREFORE ORDERED that the Clerk is directed to substitute Ray Terry, Warden, as the sole named Respondent in this matter; and to forward copies of this Order to Respondent Terry and to the United States Attorney for the District of New Mexico, with copies of Petitioner's *Petition For a Writ Of Habeas Corpus Under 28 U.S.C. § 2241 (Doc. 1)* and supporting papers and exhibits, if any;

IT IS FURTHER ORDERED that, within twenty-three (23) days from entry of this Order, Respondent answer Petitioner's *Petition For a Writ Of Habeas Corpus Under 28 U.S.C. § 2241 (Doc. 1)*.

IT IS SO ORDERED.

Lourdes A. Martinez
LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE